

**REMARKS/ARGUMENTS**

Upon entry of the above amendment, the pending claims 1-15, 21-26, 29-34, 37-42, and 45-56 will not have been amended but are being resubmitted for reconsideration by the Examiner.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided

Turning to the merits of the action, the Examiner has provisionally rejected claims 1-15, 21-26, 29-34, 37-42 and 45-56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 7-11, 13-17, 25, 26, 28-, 29, 31, 32, 37, 38, 40, 41, 43, 44, 49, 50, 52, 53, 55, 56, 61-65, 67-72, and 74 of co-pending Application No. 10/767,765, which is now U.S. Patent No. 7,095,524, issued on August 22, 2006.

In response and without in any way acquiescing in the propriety of the above-noted rejection, Applicant has filed (concurrently herewith) a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate the provisional judicially created double patenting rejection. The Terminal Disclaimer includes a provision that any patent granted on the present application shall be enforceable only for and during such period that such patent is commonly owned with the patent which formed the basis for the rejection.

Submission of the attached Terminal Disclaimer should not be taken as an indication of Applicant's acquiescence with the propriety of the obviousness-type double patenting rejection as set forth by the Examiner or in the propriety of any other obviousness type double patenting rejection. Rather, Applicant is submitting the attached Terminal Disclaimer solely in order to expedite prosecution and to obtain early allowance of the claims of the present application. In view of the submission of the attached Terminal Disclaimer, Applicant respectfully requests reconsideration and withdrawal of the provisional obviousness-type double patenting rejection of the pending claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection, and requests an indication of the allowability of all the claims pending in the present application, in due course.


SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has filed a Terminal Disclaimer to obviate the judicially created double patenting rejection. Accordingly, Applicant respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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